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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:
MALIK M. HASAN and SEEME G. HASAN,	:
	:
Plaintiffs,	:
	:
v.	: 08 Civ. 3189 (GBD)
	:
AMERICAN ARBITRATION ASSOCIATION,	:
INC.,	:
	:
Defendant.	:
	:
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NOTICE OF MOTION FOR PRELIMINARY INJUNCTION

PLEASE TAKE NOTICE, that upon the annexed Declaration of Glenn W. Merrick, dated April 28, 2008, exhibits thereto, the accompanying Report of Expert Opinions of Professor Seth E. Lipner, dated April 28, 2008, exhibit thereto, the accompanying Memorandum of Law, dated April 28, 2008, and the Verified Complaint in this matter, Plaintiffs Malik M. Hasan and Seeme G. Hasan will move this Court for an Order, pursuant to Federal Rule of Civil Procedure 65, for a preliminary injunction (1) directing the Defendant to replace promptly Messrs. Sharp and Barrett as members of the current panel presiding over AAA Arbitration Case No. 13 168 01990 04 (*Hasan et al. v. Goldman Sachs 1998 Exchange Place Fund, L.P. et al.*) (hereinafter “the New York Arbitration Panel”), with members who will make full, fair and timely disclosures

consonant with the (a) Ethical Code, (b) promises assurances, commitments and representations of the AAA website, and (c) the attestation set forth in the arbitrators' Notice of Appointment form; (2) Directing the Defendant to bar Messrs. Sharp and Barrett from participating in any further hearings, deliberations, and/or discussions of the New York Arbitration Panel, or otherwise involving themselves in deciding disputes or in fashioning orders for the panel; (3) Directing the Defendant to implement such action as may be necessary to or appropriate to recover from Messrs. Mattiaccio, Sharp and Barrett any monies or compensation that may have been paid to them from the fees paid to the AAA by the Hasans so that such monies may be transferred to replacement members of the New York Arbitration Panel; and, (4) awarding whatever further relief the Court deems just and appropriate under prevailing circumstances.

Dated: April 28, 2008.

Respectfully submitted,

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HASAN, M.D. and SEEME G. HASAN

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PROPOSED ORDER GRANTING PRELIMINARY INJUNCTION

The Court, having considered the papers filed by both parties in connection with the Motion for Preliminary Injunction, has determined that Plaintiffs are likely to prevail in this case, or there are sufficiently serious questions going to the merits to make them a fair ground for litigation, and further that Plaintiffs will be irreparably harmed if a preliminary injunction is not granted, and that the balance of hardships tip decidedly in the favor of Plaintiffs:

IT IS HEREBY ORDERED that the AAA will promptly replace Messrs. Sharp and Barrett as members of the New York Arbitration panel with persons who are free of bias and the appearance of impartiality – and who will make full, fair and timely disclosures consonant with the (i) AAA's Ethical Code; (ii) promises, assurances,

commitments and representations of the AAA website; and (iii) the attestation set forth in the arbitrators' Notice of Appointment form;

IT IS FURTHER ORDERED that the AAA will bar Messrs. Sharp and Barrett from (i) participating in any further hearings, discussions and/or deliberations of the panel, and (ii) otherwise involving themselves in deciding disputes or in fashioning orders for the panel;

IT IS FURTHER ORDERED that the AAA will implement such action as may be necessary or appropriate to recover from Messrs. Mattiaccio, Sharp and Barrett any monies or compensation that may have been paid to them from the fees paid to the AAA by the Hasans so that such monies may be transferred to replacement members of the New York Arbitration panel

United States District Judge